

May 25, 2018

Marlene H. Dortch
Secretary Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: CC Docket No. 02-6 and 96-45 – Appeal/Waiver Request

Dear Ms. Dortch:

City University (Entity Number: 17011021) requests an appeal and/or waiver of the Funding Year 2017 Funding Commitment Decision Letter denial of FCC Form 471 #171042466. ENA Services, LLC (SPIN 143030857) is the Service Provider for City University's Internet Access service (FRN 1799100805) and has also filed an appeal/waiver with the Commission for this FRN as well.

The Funding Commitment Decision Letter for Funding Year 2017 indicated the denial of the FRN 1799100805 was due to: *"DR1: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): Ethernet."*

City University was unaware of PIA issued through the EPC portal and therefore, failed to respond to the PIA inquiries. ENA Services, LLC and City University filed an appeal with USAC regarding the denial of FRN 1799100805. Answers to the PIA inquiries were also provided by City University during outreach associated with the appeal to USAC.

A Revised Funding Commitment Decision Letter (RFCDL) was issued on March 27, 2018 which contained conflicting information regarding the appeal. The RFCDL indicated:

Post Comment Decision (FRN Level) (column F) – **Approved**

Post-Commitment Rationale (FRN Level) (Column G) – **Your appeal has brought forward persuasive information that the funding request should be approved for funding.**

Revised FRN Funding Decision (Column I) – **Denied**

It appears the funding should have been reinstated (columns F and G) however, column I still indicates 'denied' so, obviously there is a conflict in the information provided in the RFCDL. ENA Services, LLC opened a case with USAC (Case #232368) on March 28, 2018 asking for clarification regarding the conflicting information presented on the RFCDL. During informal discussions with USAC, it appears there may have been a system error resulting in the erroneous denial of the FRN. The case was then escalated to management within USAC. After many calls to inquire about the status of the case over the last two months, the only updates provided were that the case had been escalated to the appropriate management level.

As the deadline to appeal the RFCDL decision is approaching and has been no USAC resolution regarding this matter, we respectfully request the FCC review this matter and direct USAC to appropriately report the disposition of the approved appeal and fully reinstate the funding for FRN 1799100805. All PIA questions have been answered, and it appears USAC meant to fund the FRN, but due to a system glitch in the EPC system, the FRN still appears to be denied and there is no dollar amount updated in the committed column of the RFCDL.

Included with this request are:

- Revised Funding Commitment Decision Letter issued by USAC on 3/27/2018
 - [CityUniversity RFCDL 03272018](#)
- Appeal #80834 filed by ENA Services, LLC on 10/30/2017
 - [City University USAC Appeal 80834 \(ENA\)](#)
- Appeal #80820 filed by City University on 10/30/2017
 - [City University USAC Appeal 80820 \(City University\)](#)

Thank you for your consideration and prompt attention.

Respectfully,

Felicia Hartsfield
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